G.M.
1881

File No: 19-81
S-L No

Rules relating to H.H. the Maharaja's Council — 1881.
(Dewan C. Rangacharlu's file)

51-93.

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Previous references.

1681
~~192~~ .
(G. M.)

File No. 19-81

Serial Nos. 1

Later references.

G. M. 34-93 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one

Part B for

SUBJECT.

Rules relating to H. H. The Maharaja's Council.

8(1)

No. 104 Dt 8-7-1881.

Notifies certain rules for the guidance of the Council of H. H. the Maharaja.

WD 1888—GPB—16,826—23-7-21

Notification No 704.

8 July 1887

1

~~Order~~

H. H the Maharaja is pleased to lay down ~~the~~ following rules for the guidance of ~~the~~ his Council ~~were passed on the 8 July 1881~~

9 July 87 8

1. The Council shall meet during eight months of the year as often as may be required for the transaction of business. There will be ordinarily a recess during April and May and November & January.

2. The following subjects shall be placed before the Council for discussion and submission of their opinion thereon to His Highness the Maharajah:—

(1) Measures relating to Taxation.

(2) Measures of Legislation.

(3) Annual Budget Estimates of Receipts and Expenditure.

(4) Annual Administration Reports of the several Departments.

(5) Appointments and removal of District Officers & District

judges, and of officers of rank superior to them.

(6) Remission of Judicial sentences.

(7) Prosecution of Public servants in cases requiring by the law previous sanction of the Local Government.

(8) Annual Budgets of the Public Works Department, and questions relating to any organizations in that Department.

(9) Questions relating to the organization of the Military Force.

(10) All other important propositions relating to the internal administration of the Province, requiring reference to the Government of India.

(11) And any other matters upon which His Highness the Maharajah may wish to have the views of the Council

3. The President shall regulate the conduct of business at the meetings of the Council. In the absence of the President the Senior Ex-Officio Member present shall act as President.

4. The Council may send for and refer to any public records, and examine any person, in connection with matters under their consideration.

5. A journal shall be kept in which all the proceedings of the Council and the minutes of the individual Members will be recorded and attested by the President.

"By order"
C. Raya Charlu
Dewan

Remarks

Manager

This is copy of what is printed in Kelly's Post Directory

Will be compared with the original carefully & errors (if any) corrected.

Ed

As the addrs printed by order opened & they are very often altered after the first, it will be convenient to take this opportunity of printing these rules after the addrs, all in one place for ready reference - These are chiefly for the guidance of the Pro: Now in type

Sub Postmaster

5/8

Rules for the guidance of His Highness the Maharaja's Council.

NOTIFICATION No. 104, 8TH JULY 1881.

His Highness the Maharaja is pleased to lay down the following rules for the guidance of his Council :—

1. The Council shall meet during eight months of the year as often as may be required for the transaction of business. There will be ordinarily a recess during April and May, and November and January.

2. The following subjects shall be placed before the Council for discussion and submission of their opinion thereon to His Highness the Maharaja :—

(1) Measures relating to Taxation.

(2) Measures of Legislation.

(3) Annual Budget Estimates of Receipts and Expenditure.

(4) Annual Administration Reports of the several Departments.

(5) Appointment and removal of District Officers and District Judges, and of Officers of rank superior to them.

(6) Remission of Judicial sentences.

(7) Prosecution of public servants in cases requiring by law the previous sanction of the Local Government.

(8) Annual Budgets of the Public Works Department, and questions relating to any organizations in that Department.

(9) Questions relating to the organization of the Military Force.

(10) All other important propositions relating to the internal administration of the Province, requiring reference to the Government of India.

(11) And any other matters upon which His Highness the Maharaja may wish to have the views of the Council.

3. The President shall regulate the conduct of business at the meetings of the Council. In the absence of the President, the Senior Ex-Officio Member present shall act as President.

4. The Council may send for and refer to any public records, and examine any persons, in connection with matters under their consideration.

5. A journal shall be kept in which all the proceedings of the Council and the minutes of the individual Members will be recorded and attested by the President.

"By Order,"

C. RANGACHARLU,
Dewan.

Additional Rules relating to the duties of Members of His Highness the Maharaja's Council, sanctioned by His Highness the Maharaja on 17th May 1889, as modified by Order dated 4th July 1893.

I. In addition to the duties assigned to Members of His Highness' Council by the Rules of 8th July 1881, the following matters coming before His Highness' Government, either in appeal or in the exercise of the powers of revision under

Section 217 of the Mysore Land Revenue Code, shall be heard and decided by a Committee consisting of not less than two Members of Council, except as herein otherwise provided:—

(1.) Claims to all hereditary offices and emoluments attached thereto (including hereditary Muzarayi appointments).

(2.) Claims relating to lands declared by competent authority to be held for any service whatsoever.

(3.) Claims to hold land wholly or partially free from payment of land revenue.

(4.) Claims respecting the occupation of waste or vacant land or beds of rivers, tanks, &c., belonging to Government.

(5.) Claims to be entered in the Revenue Survey or Settlement records or Village papers as liable for the land revenue or as superior holder, inferior holder, occupant or tenant.

(6.) Resumption of land encroached upon, (Section 37).

(7.) Fines imposed for felling trees under Section 44.

(8.) Eviction of holder of any land appropriated to prohibited purposes, (Section 48).

(9.) Fines imposed on superior holders of alienated villages for not granting receipts, (Section 57).

(10.) Eviction, penalty and forfeiture for unauthorized occupation of land, (Section 59).

(11.) Disposal of occupancy rights, (Section 60).

(12.) Disposal of alluvial land, (Section 61).

(13.) Appropriation of land for purposes other than agriculture, (Section 63).

(14.) Eviction and penalty for appropriation of land for purposes other than agriculture, without permission, (Section 64).

(15.) Registration of name of heir on death of occupant, (Section 68).

(16.) Registration of occupant or other person as the registered occupant or holder of alienated holding, (Section 78).

(17.) Reduction or enhancement of rent under Section 83.

(18.) Penalty for unauthorized compulsory process by holder of commission under Section 99, (Section 102).

(19.) Disputes relating to levy of rent by holder of alienated land specially empowered under Section 99, (Section 104).

(20.) Correction of any wrong entry in Settlement Register, (Section 118).

(21.) Registration of changes affecting rights and interests recorded in Village accounts, (Section 119).

(22.) Partition of estates, (Sections 122 and 123).

(23.) Orders relating to boundaries of fields or Survey numbers and of villages, (Chapter IX).

(24.) Penalty for erasing, removing, injuring or unauthorizedly erecting a boundary mark, (Section 133).

(25.) Disposal of building sites, (Section 135).

(26.) Penalty for disobedience of orders prohibiting the reaping of crops, &c., issued under Section 147, (Section 148).

(27.) Disposal of claims to attached movable property, (Section 192).

(28.) Claims connected with or arising out of any proceedings held under Chapter XI for the realization of land revenue or the rendering of assistance by Government or any Officer duly authorized in that behalf to superior holders for the recovery of their dues from inferior holders, &c., under Sections 98 and 101, or to registered occupants or other persons paying revenue under Section 77.

(29.) Claims to set aside on account of irregularity, mistake or any other ground, all revenue sales held under Chapter XI or other provisions of the Land Revenue Code.

(30.) Proceedings in cases of resistance or obstruction to eviction, (Section 209).

NOTE.—The reference to chapter and section in this Rule are to those of the Mysore Land Revenue Code.

II. In the disposal of the appeals aforesaid, the following Rules shall be observed :—

(1.) *a.* The appeals aforesaid shall ordinarily be heard by not less than two Members, but if for any reason, two Members are unable to sit together on any day fixed for hearing, appeals may be heard by a single Member. In the latter case, the Member hearing the appeals shall forward his decisions with the records of the cases to another Member. If such other Member concurs in the decisions, they shall be given effect to. If, however, he differs from the decisions of the Member who heard the appeals, he may either refer the cases for the decision of the remaining Member or Members of the Council as provided in clause (1) *b*, or direct that the cases be posted again for hearing before two Members of the Council.

b. When there arises a difference of opinion between two Members of the Council on any material question pending before them, such question shall be referred to the remaining Member or Members of the Council and the decision of the majority shall be regarded as the decision of His Highness' Government.

(2.) No fee shall be awarded for any legal practitioner who may be allowed to appear.

(3.) No order of a subordinate officer shall be modified or reversed in appeal without due notice of the hearing of the appeal to the party whose interests are affected by the order in appeal.

(4.) Every petition of appeal shall be duly stamped and be accompanied by the decision or order appealed against, or by an authenticated copy of the same.

(5.) Petitions of appeal may be presented either in person to a Secretary or Under-Secretary or at the Meetings of the Council or to the Dewan, or they may be forwarded by post or deposited in the Petition box at the Dewan's Office, addressed to the Chief Secretary.

(6.) When a petition of appeal is received by a Secretary or Under-Secretary, if it be defective either on the ground of insufficient stamp or absence of copy of order appealed against, the same shall be at once returned with a note of the defect under the signature of the Chief or Under-Secretary. If it be found in order and not deficient as aforesaid, there shall be endorsed upon it, under similar signature, the section of the Revenue Code under which the order appealed against was passed, and with such endorsement, it shall be submitted for orders to a Member of the Council. Such Member will either reserve the petition for disposal at any subsequent sitting of the Council, or call for proceedings or report or both, and at the same time, he may, if possible, fix a convenient day for the

hearing of the appeal, giving notice thereof to the respondent where considered necessary. The order to issue notice to respondent may be passed either when calling for proceedings, or after perusal of proceedings called for. If appellant is not present when a date for hearing is fixed, a notice to him also will be necessary.

(7.) Every petition which is unnecessarily prolix or argumentative or which is couched in disrespectful or intemperate language shall be returned to the petitioner by the Member of the Council to whom petitions are submitted for orders under Clause (6) of this Rule.

(8.) Any petition of appeal may be rejected by a single Member of Council (without notice to either party or calling for proceedings) if, after perusal of the petition and of the order appealed against, and after hearing the appellant, if present, there appear no grounds for any interference with the order appealed against.

(9.) The foregoing Rules, contained in Clauses (1) to (8), shall *mutatis mutandis* apply also to all applications for revision.

(10.) A copy of every order in appeal or revision under these Rules shall be communicated for the information and guidance of the subordinate officers concerned.

(11.) The work of hearing and disposing of the appeals shall be distributed between all Members of the Council in such way as is most convenient with due regard to the despatch of public business.

III. A brief but clear abstract of every decision in appeal or revision, containing a concise statement of the points at issue, with the decision of Government thereon, shall be published in the Monthly Volume of the Proceedings of the Government under a separate head "Decisions of Government in Revenue Cases." Any decision of special importance may be published in extenso under this head below the abstract above referred to.

K. SHESHADRI IYER,
Dewan of Mysore.

Modification sanctioned by His Highness the Maharaja on the 30th June 1890.

His Highness the Maharaja has been pleased to direct the substitution of the following Rule in lieu of Rule 3 of the Rules for the guidance of His Highness' Council passed on the 8th July 1881 :—

"3. The *Ex-officio* President shall regulate the conduct of business at the Meetings of the Council. In the absence of the *Ex-officio* President and of the Chief Judge for the time being who may be an *Ex-officio* Member of Council, the Senior Member present shall act as President."

K. SHESHADRI IYER,
Dewan.